



Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

98-67
03-123

CGB

NOV 9 2004

Control No. 0403478-Pol

The Honorable David Wu
U. S. House of Representatives
620 Southwest Main Street
Suite 606
Portland, OR 97205

DOCKET FILE COPY ORIGINAL

Dear Congressman Wu:

Thank you for your letter of October 25, 2004, to the Federal Communications Commission (Commission or FCC), on behalf of your constituent, Ms. Amy Thomas, expressing her concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS). Your correspondence was forwarded to the Commission's Consumer & Governmental Affairs Bureau for handling.

Ms. Thomas suggests that the FCC is showing indifference to VRS because in June 2003 it "cut" the rate paid to VRS providers. Ms. Thomas also suggests that this resulted in VRS not being available 24/7 and long wait times before a consumer reaches an interpreter to place a VRS call. Ms. Thomas further asserts that the FCC has stated that VRS providers cannot provide ASL to Spanish translation on a VRS call, and cannot provide the ability for VRS users to receive and send video voice mail.

Ms. Thomas' statements are not correct. First, we do not believe that the quantity and quality of VRS services have decreased due to a change in the compensation paid to VRS providers. As a practical matter, the Commission neither "raises" nor "reduces" the TRS compensation rates, but adopts them on an annual basis, based on projected cost and usage data submitted by the providers. This data is submitted to the National Exchange Carrier Association (NECA), which is the TRS Fund administrator. Each year, NECA reviews these submissions and recommends a compensation rate to the Commission. For the July 2004 to June 2005 Fund year, NECA submitted a proposed VRS compensation rate of \$7.293 per minute. On June 30, 2004, the Bureau issued an Order (DA 04-1999) approving NECA's proposed rate, subject to adjustments discussed in the Bureau's Order. A copy of that Order (DA 04-1999) is enclosed. We note that all calls - both interstate and intrastate - are reimbursed from the Interstate TRS Fund at rates adopted annually, and all VRS calls, many of which are long distance, are free to VRS users.

Some of the concerns raised by Ms. Thomas may stem from the fact that VRS is not a mandatory form of TRS. Under our rules, there is no requirement that non-mandatory forms of TRS be offered on a 24/7 basis. In any event, there is nothing to prevent VRS providers from offering the service on a full-time basis, and if they choose to do so they will be compensated from the Interstate TRS Fund. In fact, the Commission understands that some providers are now offering VRS on a 24/7 basis. We expect that the current competition in the provision of VRS (there are presently seven providers) may result in providers continuing to expand their hours. In addition, because VRS remains a relatively new service, it is not mandatory. As such, several standards applicable to other forms of TRS do not apply to VRS, in some cases as the result of requests by the providers. We continually monitor this situation to see whether changes are warranted.

Our continued attention to the evolution of VRS is also reflected in the Further Notice of Proposed Rulemaking (FNPRM) the Commission released on June 30, 2004 (FCC 04-137), seeking comment on various matters concerning the provision, regulation, and compensation of VRS. Specifically, the FNPRM seeks comment on the appropriate cost recovery methodology for VRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. A copy of the Report & Order, Order on Reconsideration and Further Notice of Proposed Rulemaking that was released by the Commission on June 30, 2004, is also enclosed. These issues will be addressed in a future order.

We note that VRS continues to grow rapidly in popularity. In fact, although VRS has been available only for the past two and a half years, in the past year alone the use of VRS has increased from 211,529 minutes in June 2003, to 1,080,983 minutes in August 2004.

With regard to Ms. Thomas' concerns over video voice mail, we note that a Public Notice (DA 04-2062) was released on July 9, 2004, seeking comment on whether the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund. After all of the comments on this issue are reviewed, the Commission will address the matter in a future order. A copy of the Public Notice is enclosed.

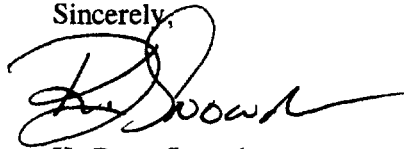
As for ASL to Spanish translation, in response to Petitions for Reconsideration filed with the Commission asking that the Commission reconsider its decision not to authorize reimbursement for ASL to Spanish TRS calls, a Public Notice (DA 04-3266) was released on October 15, 2004, seeking comment on the Petitions. This matter will also be addressed in a future order. A copy of the Public Notice is enclosed.

To the extent Ms. Thomas has concerns about the provision of VRS, we encourage her to actively participate in proceedings before the Commission to ensure that her opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe to and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual should send an e-mail to subscribe@info.fcc.gov and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

We also invite Ms. Thomas to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

We have placed a copy of Ms. Thomas' correspondence in the public record for these proceedings. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden", with a stylized flourish at the end.

K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau

Enclosures

DAVID WU
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Congress of the United States
House of Representatives
Washington, DC 20515-3701

October 25, 2004

COMMITTEES:
EDUCATION AND THE WORKFORCE
21ST CENTURY COMPETITIVENESS
EMPLOYER-EMPLOYEE RELATIONS

SCIENCE
ENERGY
SPACE AND AERONAUTICS

Diane Atkinson, Congressional Liaison
Federal Communications Commission
445 12th Street SW Room 8-C453
Washington, DC 20554
VIA FACSIMILE 202-418-2806

Dear Ms. Atkinson:

I am writing on behalf of Amy Thomas, a constituent of mine, who has requested my assistance regarding telecommunications relay services.

Enclosed is the letter I received from Ms. Thomas describing her concerns. According to that letter, the FCC has cut funding for video relay service (VRS), terminated translation services for a VRS call, and disallowed other functions important to the ability for the deaf and hard of hearing to communicate.

I would appreciate your responding to my inquiry with information about this important program, how it is funded, the reasons for the cuts in funding, and an explanation of how the FCC is in compliance with the Americans with Disabilities Act in light of these cuts in service.

I am very concerned about this situation and would like to be kept informed of the progress of your action on my constituent's behalf. Please notify Ramona Perrault in my Portland district office of any decisions or intended actions that will affect the disposition of this request.

With warm regards,

David Wu
Member of Congress

DW:rp
Enclosure

*CGB - Disability
Policy - 3478*

RECEIVED TIME OCT. 25. 6:50PM

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PRINT TIME OCT. 25. 6:51PM

ott, MaryK

m: Write your representative [writerep@www6a.house.gov]
 t: Tuesday, October 19, 2004 9:32 PM
 WYR, OR01
 Subject: WriteRep Responses

JRP>
 DTTM>October 20, 2004 00:12 AM</DTTM>
 PREFIX>.</PREFIX>
 FIRST>amy</FIRST>
 LAST>thomas</LAST>
 ADDR1>301 SW Lincoln St Apt 1206</ADDR1>
 ADDR2></ADDR2>
 CITY>Portland</CITY>
 STATE>Oregon</STATE>
 ZIP>97201-5032</ZIP>
 PHONE></PHONE>
 EMAIL>acatherinel3@yahoo.com</EMAIL>
 MSG>
 Tuesday, October 19, 2004

RKP

Representative David Wu
 520 SW Main, Suite 606
 Portland, OR 97205-3037

Dear David Wu,

The Americans with Disabilities Act mandates the FCC to ensure that deaf and hard of hearing persons have access to functionally equivalent telecommunications services, through Telecommunications Relay Services (TRS). One such form of TRS is Video Relay Service (VRS).

VRS is an Internet based service which allows deaf, hard of hearing and speech disabled persons to make telephone calls in their natural visual language - American Sign Language (ASL) -- by use of a high speed data line and either a video phone or a personal computer equipped with a video camera.

VRS is more functionally equivalent to the telephone service available to hearing persons because it allows for language inflection and non-verbal cues that are impossible to achieve through traditional text-based TRS.

More importantly, VRS allows a conversation to proceed at its natural speed, while text-based TRS conversations can take several times as long. This often leads hearing persons, especially businesses, to refuse relay calls or to hang up upon receiving a call.

The FCC recognized VRS as a form of TRS as authorized by the ADA in 2000. However, recently, the FCC has shown what can at best be considered indifference to the service. Specifically, in June of 2003, the FCC cut the reimbursement rate for VRS upon 12 hours notice by more than 50 percent.

Prior to the rate cut, VRS was available 24 hours a day. Now it is not.

Prior to the rate cut, deaf and hard of hearing individuals were able to connect with an interpreter after a few seconds wait. Now wait time regularly exceeds a minute, sometimes as long as 20 minutes.

You would not tolerate such shabby service through voice telephony. Why should deaf and hard of hearing persons accept any less? Then in June of this year, the FCC cut the VRS payment rate again.

Officials at the FCC have attempted to blame the long wait times on the growing demand for VRS, not on its rate cuts. Perhaps that is a contributing factor, but it completely fails to explain why we no longer have 24 hours service available.

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reover, the FCC has taken other recent steps that degrade VRS service. The FCC has
ad that VRS providers cannot provide ASL to Spanish translation on a VRS call. In
ition, while the FCC requires that text-relay providers allow deaf persons to retrieve
ce mail or messages from an answering machine, the FCC has yet to allow VRS providers
leave video voice mail messages for deaf persons. Thus, deaf and hard of hearing
sons, as VRS users, have no way to receive a message via VRS which is functionally
ivalent to the voice mail you can receive via your voice telephone service.

ere are more than 28 million deaf and hard of hearing persons in the United States.
le not all of us are fluent in American Sign Language and use VRS, the FCC's refusal to
ry out its responsibilities under the ADA is unacceptable.

am asking you to take action to ensure that the FCC to fulfill its responsibilities
der the ADA to make functionally equivalent telecommunications service available to
af, hard of hearing and speech disabled persons by adequately funding the service and
thorizing Video mail service and ASL/Spanish translation. If the FCC refuses to do so, I
asking you to support legislation that would require the mandate of the ADA be
lfilled.

amy thomas
301 SW Lincoln St Apt 1206
Portland, OR 97201
</MSG>
</WRP>

OCT-25-2004 MON 04:07 PM

FAX NO.

P. 01

U.S. HOUSE OF REPRESENTATIVES
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Congressman David Wu
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Please deliver the following page(s)

TO: Diane Atkinson FAX: 202.418.2806

FROM: David Wu

TOTAL NUMBER OF PAGES (including this sheet) 4

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DATE 10/25 SENDER Ramona F. Hault

NOTES

Voice # 503-326-2901 or 800-422-4003
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UNITED STATES HOUSE OF REPRESENTATIVES

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